

# MATRIMONIAL REMEDIES

A relationship with no trust  
is like having a phone  
with no service, you just play  
games..

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# Divorce

Non-judicial  
resolution of  
marital conflict  
problem



Judicial  
resolution of  
marital conflict  
problem

Unilateral  
Customary  
Divorce

Mutual  
Customary  
Divorce

Matrimonial  
Fault Theory

Principle of  
Irretrievable  
Breakdown of  
Marriage

# CUSTOMARY DISSOLUTION OF MARRIAGE



Under Hindu custom, marriage is a sacred union & relation by blessings of the God



Hindus considered the separation of couple as a sin



Therefore no question of living separately arose in olden days



In modern days, marriage is considered as a relationship of consciousness



To live together, their thoughts should be united



If couple have differences, living together is a hell

# CUSTOMARY DISSOLUTION OF MARRIAGE

Slowly, society started to digest the separate living when they could not compromise

Divorce has been introduced in modern laws

Hindu Marriage Act is enacted in 1955 & contains provisions of marriage & divorce

Before Hindu Marriage Act, Hindu could obtain divorce only if a custom governing them allowed it

In most of the low Hindu castes, customary divorce was available

# CUSTOMARY DISSOLUTION OF MARRIAGE

There was no general custom of divorce among Hindus & it varies from caste to caste & place to place

Under custom, divorce may be obtained through the agency of Gram Panchayat

Hindu Marriage Act is enacted in 1955 & contains provisions of marriage & divorce or Caste Panchayat or Caste Tribunal

It may take place orally or by writing i.e. by way of Tyagapatra or Farkatnama

Under custom, unilateral divorce was usually void but mutual divorce was permitted

# CUSTOMARY DISSOLUTION OF MARRIAGE

Sometimes, divorce was given by husband or wife on flimsy grounds

It is difficult to classify the grounds on which customary divorce was recognized

Some of the grounds were- Renunciation, Abandonment or Repudiation

Among some tribes, husband had power to divorce his wife on the ground of- Immorality, Unchastety, Adultery & Conversion

Divorce by mutual consent may be oral or in writing & sometimes, consent of husband was obtained by making payment to him of actual expenses of marriage